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15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 BRIAN BORENSTEIN, an individual,
18 Plaintiff,
19 vs.
20 THE ANIMAL FOUNDATION, et al.,
21 Defendants.

Case No.: 2:19-cv-00985-CDS-NJK

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**MOTION FOR EXTENSION OF TIME TO
FILE PLAINTIFF'S MOTION TO
CALCULATE EXPENSES
(FIRST REQUEST)**

24 COMES NOW Plaintiff, Brian Borenstein, by and through his counsel, Raelene K. Palmer, Esq.
25 of The Palmer Law Firm, P.C., and Robert S. Melcic, Esq., and hereby moves for an enlargement of
26 time to file his *Motion to Calculate Expenses*. This motion is brought with the following *Memorandum*
27 *of Points and Authorities*, the papers and pleadings on file in this case, and any further briefing or oral
28 argument requested from the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff is seeking a one-day extension to file his Opposition to Defendants The Animal Foundation and Carly Scholten's motion to dismiss.

II. RELEVANT PROCEDURAL HISTORY

On September 6, 2023 the court issued an order (**ECF No. 328**). This order gave Plaintiff until September 15, 2023 to file a Motion to Calculate expenses if an agreement could not be reached between Plaintiff and Defendant.

III. LEGAL ANALYSIS

Federal Rule of Civil Procedure 6(b)(1)(A) provides in pertinent part:

(b) EXTENDING TIME.

(1) *In General*. When an act may or must be done within a specified time the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires;

Fed. R. Civ. P. 6(b)(1)(A). Plaintiff seeks a two-week extension of time to file a third amended complaint.

A. Plaintiff Has Good Cause for an Extension of Time.

Plaintiff had reached out to Defendant to try and come to a settlement regarding the amount of fees due to Plaintiff. While Plaintiff will remain open to any settlement agreements Plaintiff believes this motion must be filed. However, due to the late hour of the breakdown of negotiations Plaintiff is requested a one day extension of time to draft the motion. This would make the date the motion is due September 18, 2023.

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1 **IV. CONCLUSION**

2 Based on the foregoing, Plaintiff respectfully requests the Court to grant him a one-day
3 extension of time to file his *Motion to Calculate Expenses*, from September 15, 2023, to September 18,
4 2023.

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6 Dated this 15th day of September 2023.

THE LAW OFFICE OF ROBERT S. MELCIC

7 /s/ Robert S. Melcic

8 ROBERT S. MELCIC

9 Nevada Bar No. 14923

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11 *Attorney for Plaintiff Brian Borenstein*

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15 **ORDER**

16 IT IS SO ORDERED.

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18 DATED: September 18, 2023.

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Nancy J. Koppe
23 United States Magistrate Judge
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